

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding the
Implementation of the Suspension of Direct
Access Pursuant to Assembly Bill 1X and
Decision 01-09-060.

Rulemaking 02-01-011
(January 9, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
FINDING THE UTILITY REFORM NETWORK
ELIGIBLE TO REQUEST INTERVENOR COMPENSATION**

On July 24, 2002, The Utility Reform Network (TURN) filed its Notice of Intent (NOI) to Claim Compensation in this proceeding. This proceeding is addressing issues regarding suspension of direct access and the determination of appropriate cost responsibility and surcharges for direct access customers. Under the terms of Section 1804(a), such a NOI must be filed within 30 days after the prehearing conference. The prehearing conference in this matter was conducted on June 28, 2002. Thus, TURN's NOI was timely filed.

In its filing, TURN asserts that it is making its showing of financial hardship pursuant to Section 1804 (b)(1),¹ which states in part:

A finding of significant financial hardship shall create a rebuttable presumption of eligibility for compensation in other commission proceedings commencing within one year of the date of that finding.

¹ All citations have reference to sections of the California Public Utilities Code.

TURN received a finding of significant financial hardship in a ruling issued by Administrative Law Judge (ALJ) Barnett in A.01-09-003, dated December 19, 2001. Since this proceeding commenced within one year of the date of ALJ Barnett's finding, TURN asserts that the rebuttable presumption applies in this case. TURN accordingly seeks an ALJ ruling pursuant to Section 1804(b) addressing whether the customer will be eligible for compensation in this proceeding. No party has filed a response to TURN's NOI filing.

Good cause having been shown, TURN's request for a finding of eligibility is hereby granted.

IT IS RULED that The Utility Reform Network is found to have satisfied the financial hardship requirement pursuant to Section 1804(b)(1), and is hereby found eligible for an award in this proceeding pursuant to Section 1804 (b)(1).

Dated August 28, 2002, at San Francisco, California.

/s/ THOMAS R. PULSIFER

Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Finding The Utility Reform Network Eligible to Request Intervenor Compensation on all parties of record in this proceeding or their attorneys of record.

Dated August 28, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.